D.B.SPECIAL APPEAL (WRIT) NO.449/06
(KUMS Sojat Road Vs. Laxman Ram & Ors.)

Date : 26.10.2006

HON'BLE MR. RAJESH BALIA,J.
HON'BLE MR. GOPAL KRISHAN VYAS,J.

Mr. Ravi Bhansali,for the appellant.

Heard learned counsel for the appellant.

The appeal is directed against the judgment of learned Single Judge dated 3.3.05 allowing the writ petition filed by respondents-petitioners having common grievance.

All the respondents-petitioners were bidders of the seperate plots which were put to auction by Krishi Upaj Mandi Samiti, Sojat (for short "KUMS") and all being highest bidders for respective plots deposited ¼ amount at the time of acution and remaining amount were duly deposited in time. Subsequent thereto the appellant KUMS at the instruction of respondent No.2, Director, Agrigulure Marketing informed that the respondents-petitioners were also required to take the plot of platform of equal size in addition to the plot for which they gave bid and for that purpose, the peittioners were asked to deposit some amount of money which they deposited for the plot for which they applied in addition to the price agreed to be paid by all the respective petitioners. This compulsary sale of the platform plots at the beheast of the Director and making sale of auctioned plots subject to the aforesaid condition was subject matter of the writ petition.

Learned Single Judge allowed the wirt petition and held that non-petitioner (appellant) has no right to compell the respondents-petitioner to purchase the plot of platform which was not auctioned and the petitioners are not required to pay the same as a part of bargain of bid for the plot advertised. The facts of the case are too obvious to take any other view. It is not the right of the respondents to thurst upon any purchaser of the plots of land put to auction by putting additional burden to buy other plots of the same size on the price fixed by the respondents when such terms and conditions of auctioned were already determined in the advertisement.

Accordingly, the appeal fails and is hereby dismissed.

(GOPAL KRISHAN VYAS),J. **(RAJESH BALIA),J.**

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